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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,390	09/29/2003	Mark Bernard Hettish	2003P08063US	4143

7590   01/09/2008

Attn: Elsa Keller, Legal Administrator
Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
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EXAMINER
PADMANABHAN, KAVITA

ART UNIT	PAPER NUMBER
2161	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/673,390	HETTISH ET AL.
	Examiner	Art Unit	
	Kavita Padmanabhan	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>21 December 2007</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-7,9-17,20 and 21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-7,9-17,20 and 21</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>29 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   Claims 1, 15, 20, and 21 have been amended.

2.   Claims 1-7, 9-17, 20, and 21 are pending.

3.   Claims 1-7, 9-17, 20, and 21 are rejected.

Continued Examination Under 37 CFR 1.114

4.   A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 12/21/07 has been entered.

Claim Objections

5.   **Claim 15** is objected to because of the following informalities:

The term "said new oriented device oriented context" should be changed to --said new

device oriented context-- at line 2 of the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making
and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7.   **Claims 1-7, 9-17, 20, and 21** are rejected under 35 U.S.C. 112, first paragraph, as failing

to comply with the written description requirement. The claim(s) contains subject matter which

was not described in the specification in such a way as to reasonably convey to one skilled in the

relevant art that the inventor(s), at the time the application was filed, had possession of the

claimed invention. There does not appear to be support in the applicant's original specification

for an "identity oriented context *system* that represents a context of a user *based on a context of*

an entity," a "device oriented context *system* that *represents the context of the user* based on a

context of the device," or interfacing the them both, as recited in each independent claim.

Applicant has pointed to Figs. 1-3, but these do not mention device oriented or identity oriented

context *systems* nor do they mention that a an identity oriented context is based on a context of

an *entity* or that a device oriented context represents a context of a *user* based on a context of a

device.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9.   **Claims 1-7, 9-17, and 20-21** are rejected under 35 U.S.C. 102(b) as being anticipated by

Diacakis et al. (US 2002/0116336, hereinafter "Diacakis").

In regards to **claim 1**, **Diacakis** teaches a method, comprising:

- interfacing an identity oriented context system that represents a context of a user based on

  a context of an entity with a device oriented context system that represents the context of

  the user based on a context of the device **(Diacakis; Fig. 1; Fig. 4 – presence detection**

  engine interpreted as device oriented context system since it determines user's

  presence on particular devices, and availability management engine interpreted as

  identity oriented context system since it determines user's availability based on

  user's/entity's situation);

- receiving a request to make a change to a new identity oriented context for an identity

  (Diacakis; par [0034], lines 8-18 – *"The presence detection engine 18 may detect a*

  change in the individual's situation, as described further hereinafter, or the individual

  may communicate the change to the management server 12 directly" **– the individual**

  communicating the change to the server constitutes a request to change to a new

  identity oriented context; par [0046], lines 4-7; par [0048], lines 1-2), wherein said

  new identity oriented context is associated with said identity and provides an availability

  status of said identity **(Diacakis; par [0031], lines 18-21 –** *"the individual may define a*

  series of profiles that describe a situation that the individual may be in such as, for

  example, "at home," "at office," or "on the road."" **– i.e., identity oriented contexts)**;

  and

- mapping said new identity oriented context to a device oriented context for a specific

  device associated with said identity **(Diacakis; par [0031], lines 21-25 –** *"the individual*

  *may identify how he wishes to be communicated with for each profile"***; Fig. 2 – shows**

mapping of identity oriented context "at office" to device oriented contexts, i.e.

which devices are available to which subscribers when the individual is "at office";

par [0035], lines 1-9), wherein said device oriented context provides an availability

status of the specific device (**Diacakis; par [0026]; par [0045]** - "*determine the*

individual's current capabilities 58 such as, for example, whether he can receive voice

information, data files, audio files, video files, etc."; **par [0057]** – identity oriented

context is "at home" and device oriented contexts, i.e. availability of phone, IM, etc.,

are determined based on "at home" profile); and

–   providing data indicative of said mapped device oriented context to a device context

    oriented application (**Diacakis; Fig. 8**).

In regards to **claim 2**, **Diacakis** teaches the method of claim 1, wherein said receiving said

request to make said change to said new identity oriented context for said identity includes

receiving said request from an identity context oriented application (**Diacakis; par [0034], lines**

8-18; Fig. 4).

In regards to **claim 3**, **Diacakis** teaches the method of claim 1, wherein said mapping said

new identity oriented context to said device oriented context for said device associated with said

identity includes determining said device (**Diacakis; par [0031], lines 18-25; Fig. 2**).

In regards to **claim 4**, **Diacakis** teaches the method of claim 3, wherein said mapping said

new identity oriented context to said device oriented context for said device associated with said

identity includes determining said device oriented context associated with said device **(Diacakis; par [0031], lines 18-25; par [0045]; Fig. 8)**.

In regards to **claim 5**, **Diacakis** teaches the method of claim 1, wherein said mapping said new identity oriented context to said device oriented context for said device associated with said identity includes accessing a mapping table **(Diacakis; Fig. 2)**.

In regards to **claim 6**, **Diacakis** teaches the method of claim 1, further comprising:

- determining said device **(Diacakis; par [0031], lines 18-25; Fig. 2)**.

In regards to **claim 7**, **Diacakis** teaches the method of claim 1, further comprising:

- determining said device oriented context for said device **(Diacakis; par [0031], lines 18-25; par [0045]; Fig. 8)**.

In regards to **claim 9**, **Diacakis** teaches the method of claim 1, wherein said providing data indicative of said device oriented context includes providing said data indicative of said device oriented context to a presence and availability service **(Diacakis; Fig. 4; Fig. 8)**.

In regards to **claim 10**, **Diacakis** teaches the method of claim 1, further comprising:

- changing an identity oriented context for said identity from a first identity context to said new identity oriented context in response to said request **(Diacakis; par [0034], lines 8-18; par [0046], lines 4-7; par [0048], lines 1-2)**.

In regards to **claim 11, Diacakis** teaches the method of claim 10, further comprising:

– providing data indicative of said new identity oriented context **(Diacakis; Fig. 8)**.

In regards to **claim 12, Diacakis** teaches the method of claim 1, further comprising:

– registering with a presence and availability service **(Diacakis; par [0031])**.

In regards to **claim 13, Diacakis** teaches the method of claim 12, wherein said providing data indicative of said device oriented context further comprises providing said data indicative of said device oriented context to said presence and availability service **(Diacakis; Fig. 8)**.

In regards to **claim 14, Diacakis** teaches the method of claim 1, further comprising:

– detecting a new device oriented context for a second device, wherein said second device is associated with a second identity **(Diacakis; Fig. 8; par [0056], lines 9-17; par [0062], lines 1-12)**; and

– mapping said new device oriented context to an identity oriented context for said second identity **(Diacakis; Fig. 8; par [0056], lines 9-17; par [0062], lines 1-12)**.

In regards to **claim 15, Diacakis** teaches the method of claim 14, wherein said detecting said new oriented device oriented context for said second device includes detecting said new device oriented context in a presence and availability service **(Diacakis; Fig. 4)**.

In regards to **claim 16, Diacakis** teaches the method of claim 14, wherein said detecting said

new device oriented context for said second device includes receiving a request to change said

second device's device oriented context **(Diacakis; par [0029], lines 4-7; par [0031]; par**

[0034], lines 14-18; par [0053], lines 6-11; par [0057]).

In regards to **claim 17, Diacakis** teaches the method of claim 14, wherein said mapping said

new device oriented context to said identity context for said second identity includes determining

said second identity **(Diacakis; Fig. 8; par [0056], lines 9-17; par [0062], lines 1-12)**.

Claim 20 is rejected with the rationale given for claim 1.

Claim 21 is rejected with the rationale given for claim 1.

Response to Amendment

10.   Applicant's amendments filed 12/21/07 with respect to the objection to claim 15 has been

considered. However, the rejection has been maintained, as noted above.

Response to Arguments

11.   Applicant's arguments filed 12/21/07 with respect to the prior art rejections of the claims

have been fully considered but they are not persuasive.

Applicant argues that Diacakis does not both an identity oriented context system and a

device oriented context system as claimed. The examiner respectfully disagrees and refers the

applicant to the rejection above. To reiterate, the examiner asserts that the presence detection

engine of Diacakis is interpreted as a device oriented context system since it determines user's

presence on particular devices, and the availability management engine is interpreted as an

identity oriented context system since it determines a user's availability based on the

user's/entity's situation (Diacakis; Fig. 1; Fig. 4).

Conclusion

12.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to **Kavita Padmanabhan** whose telephone number is **571-272-**

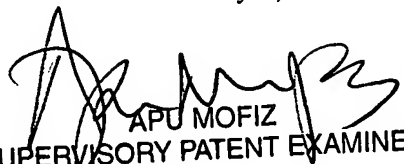**8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

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applications is available through Private PAIR only. For more information about the PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kavita Padmanabhan   January 6, 2008
Assistant Examiner
AU 2161

APU MOFIZ
SUPERVISORY PATENT EXAMINER